

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ANTHONY H. TURNER,

Plaintiff,

v.

ORDER

14-cv-383-jdp

WISCONSIN DEPARTMENT OF
CORRECTIONS, GREGORY GRAM,
JANEL NICKEL, and CHRISTINE M.
WODILL,

Defendants.

Judgment was entered in favor of defendants and this case was closed on June 3, 2015. Now plaintiff Anthony Turner has submitted a letter asking the court to issue an order directing prison officials to pay the remaining balance of the filing fee in this case from his release account. The request will be denied.

Under the Prison Litigation Reform Act, an inmate who files a lawsuit in federal court under the *in forma pauperis* statute must pay the \$350 filing fee, first by making an initial partial payment and then by sending the remainder of the fee to the court in installments of 20 percent of the preceding month's income, in accordance with 28 U.S.C. § 1915(b)(2). The language of 28 U.S.C. § 1915(b)(1) suggests that prison officials are required to use a prisoner's release account to satisfy an initial partial payment if no other funds are available, but nothing in the PLRA suggests that federal courts may override state policy on the use of release account funds for the purpose of paying off the balance of a filing fee. *Carter v. Bennett*, 399 F. Supp. 2d 936, 936-37 (W.D. Wis. 2005). Therefore, I must deny plaintiff's motion.

ORDER

IT IS ORDERED that plaintiff Anthony Turner's request for an order directing prison officials to pay the remainder of his filing fee from his release account, Dkt. 13, is DENIED.

Entered September 14, 2015.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge